

SEP 28 2007

Attorney Docket No.: 1033-SS00380

DRAWING AMENDMENTS:

The attached drawing sheet includes changes to FIG. 1, correcting various informalities. This sheet, which includes FIG.1, replaces the original sheet including FIG.1. FIG. 1 has been corrected to add numeral 100 and to delete numerals 112-124.

REMARKS**Objections to Drawings and Specification**

With respect to the objections to the drawings, please note that number 112 is found in paragraphs [1016] and [1017]. The drawings have otherwise been amended to overcome the objections by adding numeral 100 and by deleting numerals 114, 116, 118, 120, and 124. Additionally, the specification has been amended to overcome the objection indicated in the Office Action and to correct other clerical errors. Applicants respectfully request that the objections be withdrawn.

Prospective Objection to Claims 17-19

With respect to the prospective objection to claims 17-19 under 37 CFR 1.75, Applicants have amended claims 17-19 to depend upon claim 16.

Claims 1, 4-9, 11-14, 18 and 19 are Allowable

The Office has rejected claims 1, 4-9, 11-14, 18 and 19, in paragraphs 5 and 6 of the Office Action, under 35 USC § 102 as being anticipated by US 6,981,039 ("Cerami"). Applicants respectfully traverse the rejections.

Cerami fails to teach or suggest the specific combination of independent claim 1. For example, Cerami fails to teach inquiring, from a remote location, a status of an upper-layer communication indicator; wherein the status is retrieved from a remotely located device, as recited in claim 1.

Further, Cerami fails to teach a connection port configured to communicate data signals from a computer positioned at a local location to a remotely located service provider device; and a first status indicator, positioned at the local location, configured to indicate and communicate at least a layer 3 or above communication status, as claimed in claim 9.

Additionally, Cerami fails to teach detecting a digital subscriber line (DSL) related troubleshooting event at a remote service terminal that supports an end-user computer having a DSL connection at a local site; inquiring, from the remote service terminal, a status of a visual

upper-layer communication indicator associated with a digital subscriber line (DSL) line terminating at the DSL connection of the end-user computer at the local site, as in claim 16.

In contrast to claims 1, 9 and 16, Cerami teaches a method for managing a plurality of failures in a video and data network. The method includes discovering a failure in the video and data network. The discovered failure is the root cause of the failure. Next, the root cause failure is correlated with the plurality of failures to determine related failures generated as a result of the root cause failure. The related failures are then suppressed. One or more user's affected by the root cause failure are determined. If the root cause failure is automatically resolvable, the root cause failure is automatically resolved.

Since each of the independent claims is allowable, each of the dependent claims is also allowable. In addition, the dependent claims include further features not found in the cited references. For example, none of the cited references teach or suggest a second status indicator configured to indicate a layer 2 connection status between the computer and the remotely located service provider device, as in claim 12.

Claims 2, 15 and 16 are Allowable

The Office has rejected 2, 15 and 16, in paragraphs 7 and 8 of the Office Action, under 35 USC § 103 as being unpatentable over Cerami in view of US 7,092,375 ("Pitsoulakis"). Applicants respectfully traverse the rejection.

Claims 2 and 15 depend from claims 1 and 9, respectively, which Applicants have shown to be allowable. Pitsoulakis does not disclose the elements of claims 1 and 9, which are not disclosed by Cerami. Thus, claims 2 and 15 are allowable at least by virtue of their dependencies from claims 1 and 9. In addition, the dependent claims include further features not found in the cited references. For example, none of the cited references teach or suggest a service technician from the remote location requesting an end-user to provide the status of a light emitting diode (LED) on a Digital Subscriber Loop (DSL) transceiver, as in claim 2.

Further, Pitsoulakis does not disclose the elements of claim 16, which are not disclosed by Cerami. In particular, Pitsoulakis does not disclose detecting a digital subscriber line (DSL) related troubleshooting event at a remote service terminal that supports an end-user computer

SEP 28 2007

having a DSL connection at a local site, as recited in claim 16. Additionally, Pitsoulakis does not disclose inquiring, from the remote service terminal, a status of a visual upper-layer communication indicator associated with a digital subscriber line (DSL) line terminating at the DSL connection of the end-user computer at the local site, as recited in claim 16

Claims 3, 10 and 17 are Allowable

The Office has rejected 3, 10 and 17, at paragraph 9 of the Office Action, under 35 USC § 103 as being unpatentable over Cerami in view of US 7,092,364 ("Franklin"). Applicants respectfully traverse the rejection.

Claims 3, 10 and 17 depend from claims 1, 9 and 16, respectively, which Applicants have shown to be allowable. Franklin does not disclose the elements of claims 1, 9 and 16, which are not disclosed by Cerami. Thus, claims 3, 10 and 17 are allowable at least by virtue of their dependencies from claims 1, 9 and 16.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the reference applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

Any changes to the claims in this amendment, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

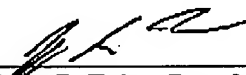
The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Attorney Docket No.: 1033-SS00380

Respectfully submitted,

9-28-2007
Date


Jeffrey G. Toler; Reg. No. 38,342
Attorney for Applicant(s)
TOLER SCHAFFER LLP
8500 Bluffstone Cove, Suite A201
Austin, Texas 78759
(512) 327-5515 (phone)
(512) 327-5575 (fax)